IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION NO. 256 OF 2003

Mr. Alex Rangel,
Judicial Lock-up
at Margao-Goa. ... Applicant.

versus

State of Goa ... Respondent.

Mr. Arun Bras de Sa, Advocate for the Applicant.

Mr. S. N. Sardessai, Public Prosecutor for the State.

CORAM: P. V. HARDAS, J.

DATED: 25TH NOVEMBER, 2003.

ORAL JUDGMENT

The Applicant is being prosecuted for an offence punishable under Sections 302 and 120-B of the Indian Penal Code on the basis of Crime No.121/98 dated 23rd October, 1998, registered by the Maina Curtorim Police Station. Undisputedly, the application for Bail filed by the present Applicant came to be rejected by this Court as well as by the Sessions Court, South Goa, Margao. Thereafter, the Applicant had moved for

temporary Bail on medical grounds which was granted by the Order of the 1st Additional Sessions Judge, South Goa, Margao, dated 10th July, 2002, initially for a period of three months which was subsequently extended. An application for extension of the temporary Bail was moved on 4th September, 2003. The Applicant was thereafter referred to the Medical Board. The Report of the Medical Board indicated that the Applicant was having a small (4 mm calcula in the mid hole of right kidney and all other blood tests were within normal limits. It was further stated in the Report of the Medical Board that the Applicant was advised to continue Hydro theraphy and the hypertension which the Accused was having since 10 years was under control. The learned Additional Sessions Judge, South Goa, Margao, found that the Applicant was not suffering from any sickness requiring special care, attention or treatment and was thus not entitled for Bail on medical grounds. The Applicant/Accused was, therefore, taken into custody. The Order of the learned Additional Sessions Judge, South Goa, Margao, dated 6th October, 2003, is impugned in the present application.

2. Undisputedly, charge has been framed against the Applicant and this Court has been informed that the recording of the evidence of the prosecution witnesses has already commenced. In view of the Report of the

Medical Board which does not disclose that the Applicant is suffering from any serious ailment requiring special care or constant attention, the learned Additional Sessions Judge, South Goa, Margao, according to me, was justified in not granting further extention and in taking the Applicant into custody. In the set of the circumstances, which are spelt out from the Order of the learned Additional Sessions Judge, MArgao, the Applicant is not entitled to be released on Bail.

3. Mr. Arun Bras de Sa, learned Counsel appearing on behalf of the Applicant/Accused has stated that the Applicant apprehends that the trial which had commenced nearly about three years back is yet to be concluded and the Applicant would be made to languish in jail for further period. The apprehension of the Applicant can be allayed by directing the learned Additional Sessions Judge, Margao assigned with the trial to expeditiously dispose of the trial keeping in view the guidelines issued for expeditious disposal of the trial in respect of undertrial prisoners.

4. With the aforesaid directions, Criminal Miscellaneous Application No.256 of 2003 is dismissed.

5. Since, the Applicant/Accused is in Jail, copy

of this Judgment be sent to him in Jail.

P. V. HARDAS, J.

RD.